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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WASHINGTON, DC 20001

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,534

Applicant(s)

KAIKURANTA ET AL.

Examiner

Tilahun B. Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27,28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27,28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of claims

1. This is in response to applicant's argument filed 2/16/06 in which claims 1-26, and 29 have been deleted and claims 27-29 and 30-38 are pending.

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 27-28,30-38 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 27-28 and 30-38 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 through 12 of copending Application publication No. 2001/0018332. Although the conflicting claims are not identical, they are not patentably distinct from each other because conflicting claims recites similar subject matter with claims of the present application. With obvious variations such as the wireless device includes a printed circuit board. The patent application publication a communication terminal handset inherently teaches the a printed circuit board in order to illuminate the lights of different color and controlling the pattern of light source and LEDs.

Lustial claims a translucent outer casing, a light source arranged for illumination of a substantial area of the casing , where the light source is capable of illuminating different portions of the casing in different colors.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27-28,30-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Till (US 6,435,690).

Regarding claim 27, Till teaches an outer decorative cover (30) for attachment to a wireless communication device (10) including a printed circuit board (see col.5, lines 1-19 and figure 2).

Till teaches an associated light source (see figs.4 and 10) mounted in an interior of the wireless device, the outer decorative cover (see col.5, lines 1-19) comprising:

Till teaches an inner and outer surface (see case 30 of figures 3-13 and col.4, lines 7-63).

Till teaches an optical fiber incorporated in a pattern as part of the outer decorative cover including an input end for receiving light from the light source when the light source is activated (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Till teaches the outer decorative cover is attached to the wireless communication device (10) and a side surface which transmits the light there through along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible when viewing the outer surface (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Regarding claim 30, Till teaches the optical member is embedded in the outer decorative cover (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Regarding claim 31, Till teaches the optical fiber is adhered to the inner surface of the outer decorative cover (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 32, Till teaches the optical fiber is adhered to the outer surface of the outer decorative cover (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 38, Till teaches the light source is positioned on the outer decorative cover(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 28 , Till teaches an outer decorative cover (30) for attachment to a wireless communication device (10) including a printed circuit board (see col.5, lines 1-19 and figure 2).

Till teaches an associated light source (see figs.4 and 10) mounted in an interior of the wireless device, the outer decorative cover (see col.5, lines 1-19) comprising:

Till teaches an inner and outer surface (see case 30 of figures 3-13 and col.4, lines 7-63).

Till teaches an optical fiber incorporated in a pattern as part of the outer decorative cover including an input end for receiving light from the light source when the light source is activated (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Till teaches the outer decorative cover is attached to the wireless communication device (10) and a side surface which transmits the light there through along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible when viewing the outer surface (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 33, Till teaches the optical fiber comprises an optical fiber thread(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 34 Till teaches an outer decorative cover as claimed in claim 28, wherein the optical fiber comprises an optical fiber panel(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 35 Till teaches the light source comprises a plurality of light emitting devices, each light emitting device being adapted to emit light of a different color, and the optical fiber comprises a plurality of optical fiber threads, the input end of each thread being adjacent a respective one of the light emitting devices so that each thread transmits light of a different color(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 36 Till teaches the light source comprises a plurality of light emitting devices, each light emitting device being adapted to emit light of a different color, and the optical fiber comprises a plurality of optical fiber panel portions, the input ends of each panel portion being adjacent a respective one of the light emitting devices so that each panel portion transmits light of a different color(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

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Claim 37, Till teaches the light source comprises a light emitting diode (see col. 5, lines 1-19 and col. 7, lines 28-34 and figure 9 and col. 7, lines 59-col. 8, line 12 and col. 1, lines 11-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

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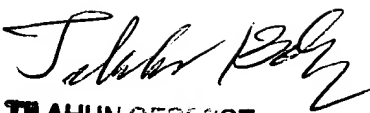
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free).

TG

10/5/06


TILAHUN GEESSE
PRIMARY EXAMINER